IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1373 of 2003
in
SPECIAL CIVIL APPLICATION No 9927 of 2002
with
CIVIL APPLICATION No 9393 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE D.N.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT AND ORS.
Versus
RAJUBHAI R VANKAR AND ANR.

Appearance:
1. LETTERS PATENT APPEAL No. 1373 of 2003
MS HARSHA DEVANI, AGP for the Appellant
MR RN SHAH for Respondent No. 1-2
RULE SERVED for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 23/03/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE J.N.BHATT)

1. The State of Gujarat has assailed the interlocutory order of learned Single Judge in a writ petition, dated 08-05-2003, whereby, the appellant came to be directed to pay regular salary to both the original petitioners, respondents, herein, before us, wef 26-06-2000 till 30-04-2000 within a period of one month from the date of receiving the copy of the said order, with further direction to pay regularly the regular salary as permanent employees of the appellant during the pendency and final disposal of the petition, which is pending before the learned Single Judge, by invocation of the provisions of Clause-15 of the Letters Patent.

2. We have, threadbare, heard Ms. Harsha Devani, learned Assistant Government Pleader and Mr. R.N. Shah, learned Advocate for the petitioners. We have, also, given our anxious thoughts and considerations to the the factual profile of the present case, as well as, the relevant proposition of law emerging in the labour jurisprudence.

3. We are of the opinion that the interlocutory order of the learned Single Judge shows no infirmity or any perversity, which would warrant our interference in exercise of our powers under Clause-15 of the Letters Patent. For the purpose of interlocutory direction, considering, the catalogue of facts emerging from the years 1987 and 1988 in respect of the petitioners, the relevant proposition of law, the award passed by the Industrial Tribunal in favour of ` Agriculture and Rural Labourers Association', the earlier order passed in favour of the original petitioners by the Labour Court, and, also, bearing in mind the circumscribed the circumference of the jurisdiction of this Court under Clause 15 of the Letters Patent in an appeal against the interim order, we have no hesitation in finding that this appeal is `san-substance' and deserves to be dismissed.

4. Since the main writ petition is awaiting judicial adjudication before the learned Single Judge, we would not meticulously divulge into consideration and analysis of legal and factual profile of the case. Nonetheless, suffice to say that the order passed by the learned Single Judge is quite justified and we are satisfied about it. In the result, appeal shall stand dismissed and accoringly, it is dismissed.

5. The interim relief granted on 9th March, 2004 in

Civil Application No. 9393 of 2003, obviously, would not assume any survival value as the main appeal has been disposed of. Rule discharged.

6. We are happy to note that Ms. Devani, learned Assistant Government Pleader, has made a statement that since this appeal is adjudicated upon necessary instructions would be conveyed for the implementation of interlocutory order passed by the learned Single Judge and, therefore, we do not pass any further direction for the payment due and payable under the interlocutory order.

(J. N. BHATT, J.)

(D. N. PATEL, J.)
/shamnath